

REMARKS

In this Amendment, Applicant has amended claims 15 and 19. No claims have been cancelled. Claims 15-19 remain pending and under current examination.

Regarding the Office Action:

In the Office Action mailed on December 10, 2008, the Examiner:

- (1) objected to claim 19 as having insufficient antecedent basis for the term "computer readable medium" in the specification;
- (2) rejected claims 15 and 17-19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. US 2002/0002035 A1 to Sim et al. (hereinafter, "*Sim*"); and
- (3) rejected claim 16 under 35 U.S.C. § 103(a) as being unpatentable over *Sim* in view of "Official Notice."

Applicant traverses the rejections for the following reasons.¹

Objection to Claim 19:

Although Applicant respectfully disagrees with the objection to claim 19, in an effort to advance prosecution and without acquiescing to the propriety of the characterizations of the claims, Applicant has amended claim 19 to recite a "computer-readable storage medium." (Emphasis added). Claim 19 therefore has sufficient antecedent basis in the specification. As such, Applicant respectfully requests the Examiner to reconsider and withdraw the objection of claim 19.

¹ The Office Action contains statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicant declines to automatically subscribe to any statements in the Office Action.

Rejection of Claims 15 and 17-19 under 35 U.S.C. § 102(b):

Applicant respectfully traverses the rejection of claims 15 and 17-19 under 35 U.S.C. § 102(b) as being allegedly anticipated by *Sim*. In order for *Sim* to anticipate Applicant's claims, each and every element as set forth in the claims must be found, either expressly or inherently, in *Sim*. See M.P.E.P. §2131. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). See also M.P.E.P. § 2131. Here, *Sim* fails to disclose, either expressly or inherently, each and every feature recited in the claims.

Sim does not teach or suggest each and every element of independent claims 15 and 19, in particular:

when the second communication mode is selected, establishing two independent ACL channels between the wireless communication device and the external device, the two independent ACL channels including a first ACL channel for transmitting content data from the wireless communication device to the external device and a second ACL channel for transmitting content data from the external device to the wireless communication device, . . . and executing the two-way communication to transmit the content data . . . from the wireless communication device to the external device via the first ACL channel and receive content data . . . from the external device via the second ACL channel . . .

(claim 15, emphases added); and

causing the computer to establish two independent ACL channels between the wireless communication device and the external device, the two independent ACL channels including a first ACL channel for transmitting content data from the wireless communication device to the external device and a second ACL channel for transmitting content data from the external device to the wireless communication device, . . . and execute the two-way communication to transmit the content data . . . from the wireless communication device to the external device via the first ACL channel and receive content data . . . from the external device via the second ACL channel . . .

(claim 19, emphases added).

For example, *Sim* does not disclose “two independent ACL [(asynchronous connectionless)] channels between [a] wireless communication device and [an] external device,” as recited in claims 15 and 19. (Emphasis added). Thus, the above-quoted claim elements of claims 15 and 19 are not disclosed in *Sim*.

Sim discloses determining “whether [a] message request is for a high speed data transmission or a low speed data transmission.” *Sim*, page 2, para. [0033]. *Sim* further discloses that “a radio link (ACL link) established between the master 1 and the slave 2 is released [and that a]fter the radio link for transmitting high speed data is released, the SCO [(Synchronous Connection Oriented)] link for voice communications is established.” *Sim*, page 4, para. [0048]. Additionally, *Sim* discloses “[i]f the radio link for transmitting high speed data is released, the SCO link for transmitting voice or low speed data is established.” *Sim*, page 4, para. [0050]. In other words, *Sim* teaches an ACL link for transmitting high speed data, and an SCO link for transmitting voice or low speed data. *Sim*, page 4, para. [0048], [0050].

However, *Sim* does not disclose “two independent ACL channels between [a] wireless communication device and [an] external device, the two independent ACL channels including a first ACL channel for transmitting content data from the wireless communication device to the external device and a second ACL channel for transmitting content data from the external device to the wireless communication device.” Even though *Sim* mentions an “ACL link” and an “SCO link,” *Sim* does not disclose or suggest “two independent ACL channels.”

Furthermore, claims 15 and 19 recite “two independent ACL channels.” In the Final Office Action dated April 02, 2008, the Examiner admitted “*Sim* does not explicitly teach a method of establishing two independent channels for transmitting content data

communication between the communication device and the external device." Final Office Action, p. 3, emphasis added. Because *Sim* does not teach establishing two independent channels, *Sim* cannot teach, e.g., "establishing one [ACL] channel" when a "first communication mode is selected," and "establishing two independent ACL channels" when a "second communication mode is selected," as recited in claim 15.

Because *Sim* does not teach or suggest each and every element of amended independent claims 15 and 19, claims 15 and 19 are not anticipated by *Sim*, and should be allowable for the reasons discussed above. Dependent claims 17-18 should be allowable at least by virtue of their dependence from allowable base claim 15. Accordingly, Applicant requests the Examiner's reconsideration and withdrawal of this rejection.

Rejection of Claims 16 under 35 U.S.C. § 103(a):

Applicant requests reconsideration and withdrawal of the rejection of claim 16 under U.S.C. § 103(a) as being unpatentable over *Sim* in view of "Official Notice."

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. See M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007). Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. See *id.* "A conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention." M.P.E.P. § 2145. Furthermore, "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art" at the time the invention was made. M.P.E.P. § 2143.01(III), internal citation omitted. Moreover, "[i]n determining the differences between the prior

art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” M.P.E.P. § 2141.02(I), internal citations omitted (emphasis in original).

“[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art.” M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III).

Notwithstanding the deficiencies of *Sim* already discussed above with respect to claim 15, Official Notice was taken by the Examiner “that the feature of displaying icons and associating these icons with user’s selections is well known in the art.” Office Action at 7. Without conceding that the Examiner’s Official Notice is correct or proper, the combination of *Sim* and Official Notice, taken alone or in any permissible combination, does not teach or suggest each and every element of Applicant’s claims.

The Examiner’s Official Notice relates to displaying icons and associating these icons with user selections, and does not disclose “establishing two independent ACL channels between [a] wireless communication device and [an] external device,” as recited in claim 15. Additionally, the Examiner’s Official Notice does not disclose “establishing one [ACL] channel” when a “first communication mode is selected,” and “establishing two independent ACL channels” when a “second communication mode is

selected," as recited in claim 15. The Examiner's Official Notice thus does not cure the deficiencies of *Sim* with respect to claim 15.

For the reasons presented above regarding the Examiner's Official Notice, and by virtue of its dependence from independent claim 15, claim 16 is not obvious over *Sim* and Official Notice, taken alone or in combination, and the Examiner has failed to make a *prima facie* case of obviousness with respect to claim 16. Accordingly, Applicant requests the Examiner's reconsideration and withdraw of this rejection.

Conclusion:

Applicant requests reconsideration of the application and withdrawal of the rejections. Pending claims 15-19 are in condition for allowance, and Applicant requests a favorable action.

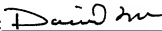
If there are any remaining issues or misunderstandings, Applicant requests the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: March 10, 2009

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